

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, FEBRUARY 27, 2006 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Robert Leone, Chair, Town of Yucca Valley
Bob Sagona, Vice-Chair, Town of Apple Valley
Bill Postmus, San Bernardino County (absent for Items #12-14)
Barbara Riordan, Public Member
Charley B. Glasper, City of Adelanto
Rebecca Valentine, City of Needles
Ed Pack, City of Hesperia
Mike Rothschild, City of Victorville
Roy Wilson, County of Riverside

Board Members Absent:

Paul Luellig, City of Barstow
Paul Biane, San Bernardino County
D.L. Hansberger, San Bernardino County
Dawn Benton Jr., City of Twentynine Palms
Robert Crain, City of Blythe

CALL TO ORDER

Chairman Leone called the meeting to order at 10:12 a.m. and led the Pledge of Allegiance.
Bill Postmus and Roy Wilson noted conflicts on items #1 and #5.

CONSENT CALENDAR - The following consent items were acted upon by the Board at one time without discussion, Upon Motion by **BARBARA RIORDAN**, Seconded by **MIKE ROTHSCILD**, and carried by roll call vote, with the abstention of **ROY WILSON** and **BILL POSTMUS** on Items #1 and 5, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of January 23, 2006.
Approved Minutes from Regular Governing Board Meeting of January 23, 2006 with no changes.

Agenda Item 2 – Finance Report.
Received and filed Finance Report.

Agenda Item 3 – Revise the member appointments for the Budget Committee and the Personnel Committee for calendar year 2006.

Revised the member appointments for the Budget Committee and the Personnel Committee for calendar year 2006. ittee meeting minutes for the calendar year 2005.

Agenda Item 4 – Authorize additional services from the Board of Retirement (San Bernardino County Employees Retirement Association) that will allow them to deduct from retirees’ pay warrant the employee cost of the retiree medical benefit.

Authorized additional services from the Board of Retirement (San Bernardino County Employees Retirement Association) that will allow them to deduct from retirees’ pay warrant the employee cost of the retiree medical benefit.

Agenda Item 5 – Ratify retention of Best, Best & Krieger for matters pertaining to existing litigation.

Ratified retention of Best, Best & Krieger for matters pertaining to existing litigation.

ITEMS FOR DISCUSSION

Agenda Item 6 – PUBLIC COMMENT.

None.

Agenda Item 7 – DEFERRED ITEMS.

None.

Agenda Item 8 - Conduct a public hearing to consider the proposed amendment of Rule 442 – Usage of Solvents; 2. Make a determination that the CEQA Categorical Exemption applies; 3. Adopt a resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 442 – and directing staff actions.

Eldon Heaston provided background information and staff recommendation. The Chair opened the public hearing and solicited public comment. Being none, the Chair closed the public hearing. Upon Motion by **BARBARA RIORDAN**, Seconded by **BOB SAGONA**, and carried by unanimous roll call vote, the Board adopted Resolution 96-01, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 442 – USAGE OF SOLVENTS AND DIRECTING STAFF ACTIONS”.

Agenda Item 9 – Direct staff regarding the potential personnel contract with the Air Pollution Control Officer.

This item was **deferred until after Closed Session** and then **pulled** by the Governing Board.

CLOSED SESSION

Agenda Item 10 – CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation (Significant exposure to litigation pursuant to Government Code Section 54956.9(b)) (5 potential cases).

Agenda Item 11– CONFERENCE WITH LEGAL COUNSEL - Existing litigation (Pursuant to Subdivision (a) of section 54956.9)

Name of Case: Fazle Rab Quadri v. Mojave Desert Air Quality Management District, Bekki Driscoll, Charles Fryxell, and DOES 1 through 10. (Case Number: VCVVS 039899).

Agenda Item 12 – PUBLIC EMPLOYEE APPOINTMENT – (Pursuant to Government Code Section 54957.6). Title: Air Pollution Control Officer.

The Board adjourned to closed session at 10:23 a.m. Chair Leone stated the Closed Session items for the record.

OPEN SESSION – Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session.

The Governing Board reconvened to open session at 12:30 p.m., and Chairman Leone stated for the record that the Governing Board had met in Closed Session on Items #10, 11, and 12 and reported as follows: By unanimous roll call vote of all members present in Closed Session, the Board acted as follows: Item #10 – The Board approved settlement agreement Chuck Fryxell and directed the Chairman to sign the agreement; Item #11 – Direction to legal counsel; Item #12 – The Board appointed Eldon Heaston as interim APCO effective today and the contract was approved subject to legal review.

Agenda Item 13 - Reports.
Executive Officer: None.

Agenda Item 14 - Board Member Reports and Suggestions for Future Agenda Items.
None.

Being no further business, Chair Leone adjourned the meeting at 12:40.m. to the next Regular Governing Board Meeting of **March 27, 2006** at 10:00 a.m.